

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

AUG 16 2004

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/661,617
Filing Date	September 14, 2000
Confirmation Number	9556
First Named Inventor	Jeffrey J. Spiegelman
Group Art Unit	1743
Examiner Name	Brian J. Sines
Attorney Docket Number	3194.1005-000

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

### a. ☒ Previously submitted

i. ☒ Consider the amendment under 37 C.F.R. § 1.116 previously filed on July 27, 2004.  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on [ ].

iii. ☐ Other -- [ ].

b. ☐ Please do not enter the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [ ].

### c. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Petition for Extension of Time - [ ] month(s) with copy

v. ☐ Other -- [ ].

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of [ ] months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other -- [ ].

## 3. Fees The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ A check is enclosed for the following fees in the total amount of \$770.00  
OR

☐ Authorization is granted to charge the following fees in the total amount of \$[ ] to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 08/17/2004 AMONDAF1 00000097 09661617

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:1801 770.00 OP

iii. ☐ Amendment Fee

iv. ☐ Other -- [ ].

b. ☒ Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Todd A. Gerety	Registration No. (Attorney/Agent)	51,729
Signature	<i>Todd Gerety</i>	Date	8/12/04

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type)	Donna Bartolone
Signature	<i>Donna Bartolone</i> Date 8/12/04